

REMARKS/ARGUMENTS

With this amendment, claims 1 – 10, 12 – 17, 19 – 21, 23 – 34, 37 – 46, 48 – 53, 55 – 57, and 59 - 70 are in the application. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. § 112 and § 101

Claims 35, 36, 71, and 72 have been cancelled, thereby obviating the rejection made in paragraphs 1 and 2 of the office action.

Rejection Under 35 USC § 102(e)

Original claims 1 – 8, 11 – 21, 28, 30 – 34, 37 – 44, 47 – 57, 64, 66 – 70 were rejected as anticipated by Goldenberg, US Pub App 2002/0065682.

Independent claim 1 has been amended to include the features of now-cancelled claim 11 (database for storing medical records), claim 18 (a personal data storage unit), and claim 22 (medical records are stored on said personal data storage unit).

Claim 1 has also been amended to include the limitation that the medical records include details of current medication, previous illnesses and allergies. This latter limitation is supported in the published application at paragraph [0132].

In view of the foregoing amendments, applicant submits that claim 1 and the claims depending therefrom are not anticipated by nor rendered obvious in view of the art of record, as discussed more below.

Goldenberg (US 2002/0065682)

Whilst Goldenberg is directed to a healthcare system, it is submitted that Goldenberg does not disclose the availability of a database containing the medical records of an individual. Goldenberg describes a system which obtains its information directly from the patient, either through monitoring of current ailments (paragraphs [0038] and [0064]) or through interrogation of the patient by the attending doctor (paragraph [0067]).

Thus, apart from the knowledge the patient is able to disclose, the attending doctor has no further access to critical medical records of the patient. In the case of an emergency, for instance, where the patient is unconscious, or cannot quickly or concisely give the required answers, the attending doctor cannot provide adequate care.

Conversely, claim 1 as amended provides for an existing database having a medical history, and so providing information to, for instance, an attending doctor without the need interrogation. Thus, extending the illustrative example, the attending doctor need only access the database to gain the information he requires.

It follows, therefore, that claim 1 as amended is not anticipated Goldenberg.

Snowden (US 2002/026332)

Snowden is directed to a database for, inter alia, storing the medical records of subscribing members. However, the database of Snowden is only available online, and does not describe a database that is carried by the user. As described by Snowden at paragraph [0107], without the requisite permission, in an emergency there are limited ways in which emergency personnel can access this information. As clearly disclosed, the database of Snowden is only available online.

For the present invention, as described in amended claim 1, the database is located within the personal data storage unit which is in the possession of the user. Accordingly, it is immediately available to, for instance, emergency personnel, without the need for remote access.

It follows, therefore, that Goldenberg combined with Snowden does not anticipate claim 1 as amended.

Nelson (US 6,418,346)

Similarly, Nelson (US 6,418,346) does not describe a personal data storage unit that contains the medical records of the user. Accordingly, claim 1 is also patentable over the combination of Goldenberg and Nelson.

Like claim 1, independent claim 37 has been similarly amended to include the features of now-cancelled claims 47, 54 and 58, together with the disclosure at paragraph [0132] of the description. Accordingly, claim 37 and the claims depending therefrom are allowable for the reasons set forth above in connection with claim 1.

Conclusion

In view of the foregoing, applicant believes that all of the currently pending claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,
ipsolon llp
/pwh #31,169/
Patrick W. Hughey
Registration No. 31,169
Tel. No. (503) 274-5455